

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

COMMERCIAL CREDIT GROUP, INC.,

Plaintiff,

vs.

Civ. No. 19-558 KG/JHR

PROTÉGÉ EXCAVATION, INC.,

Defendant.

ORDER

On January 28, 2021, Plaintiff filed “Commercial Credit Group, Inc.’s Notice of Status of Meeting with Steven Vigil at Last Known Location for Remaining Equipment” (Notice of Status). (Doc. 74). Given the assertions in the Notice of Status, the Court set this matter for a telephonic status conference on February 1, 2021. (Doc. 75). Jeane Y. Sohn appeared on behalf of Commercial Credit Group, Inc (Commercial Credit) and Mr. Vigil appeared *pro se*.

Having considered the Notice of Status and the statements by Ms. Sohn and Mr. Vigil at the February 1, 2021, telephonic status conference, the Court **ORDERS that no later than noon on Monday, February 8, 2021, Mr. Vigil shall do the following:**

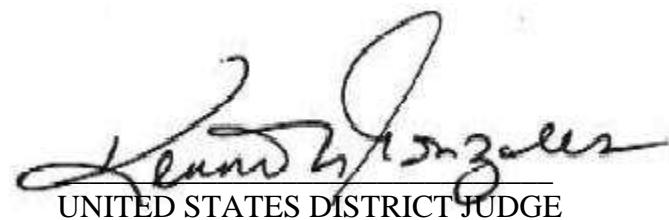
1. Mr. Vigil shall provide Commercial Credit with complete information regarding the location of the 2014 Kobelco ED 160-3, including an address, directions, GPS coordinates, last known date of its location, and contact information for the individual(s) or business who may have the equipment; or Mr. Vigil shall return the 2014 Kobelco ED 160-3 to Commercial Credit;
2. if Mr. Vigil cannot locate the 2014 Kobelco ED 160-3, and Mr. Vigil credibly believes the 2014 Kobelco ED 160-3 was stolen, Mr. Vigil shall report the theft of the 2014 Kobelco ED 160-3 to the appropriate law enforcement agency and make any applicable insurance claim;

3. if Mr. Vigil credibly believes that the 2012 John Deere 350G LC was stolen, Mr. Vigil shall report the theft of the 2012 John Deere 350G LC to the appropriate law enforcement agency and make any applicable insurance claim;

4. Mr. Vigil shall provide a copy of any law enforcement report and insurance claim to Commercial Credit; and

5. if Mr. Vigil sold, rented/leased, or transferred to a third party either the 2014 Kobelco ED 160-3 or the 2012 John Deere 350G LC, Mr. Vigil shall provide Commercial Credit with complete and truthful information regarding the whereabouts of the outstanding equipment, including what he did with any sale and rental proceeds, in an affidavit signed by Mr. Vigil and sworn before a notary, and any relevant records.

IT IS FURTHER ORDERED that no later than noon on Monday, February 8, 2021, Commercial Credit shall inform the Court whether Mr. Vigil has complied with this Order.¹



UNITED STATES DISTRICT JUDGE

¹ The Court notes that this Order in no way prevents Commercial Credit from making its own report to an appropriate law enforcement agency if it has probable cause to believe Mr. Vigil has committed a criminal offense. *See* 1978 NMSA § 30-16-18 (“Improper sale, disposal, removal or concealing of encumbered property,” a possible second degree felony).